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PATENT APPLICATION

ATTORNEY DOCKET NO. 10991300 -3

Inventor(s): David K. Umberger et al

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Application No.: 10/667949

Examiner: Michael Maskulinski

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Group Art Unit: 2113

Title: Host I/O Performance And Availability Of A Storage Array During Rebuild By Prioritizing I/O Requests

Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER RESPONSIVE TO A DOUBLE PATENTING REJECTION

Petitioner, Hewlett-Packard Development Company, L.P. is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of prior Patent No. 6,647,514 to Hewlett-Packard Development Company, L.P. which issued on November 11, 2003 and is commonly owned by Petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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Respectfully submitted,

David K. Umberger et al

By Augustus W. Winfield

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Date : January 8, 2007

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